

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

KENDRICK HORTON,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No.5:21-cv-01653-AMM-HNJ
	)	
KAREN CARTER, et al.,	)	
	)	
Respondents.	)	

**MEMORANDUM OPINION AND ORDER**

The Magistrate Judge entered a report on January 31, 2022, recommending that Petitioner Kendrick Horton’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed without prejudice to allow Mr. Horton to exhaust all available state court remedies. Doc. 8. No objections have been filed.


After careful consideration of the record in this case and the Magistrate Judge’s report, the court **ADOPTS** the report and **ACCEPTS** the recommendation. Consistent with that recommendation, the court **DENIES** Mr. Horton’s Motion for Extension of Time to exhaust his state court remedies, Doc. 7, and finds that Mr. Horton’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is due to be **DISMISSED WITHOUT PREJUDICE**.

This court may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. §

2253(c)(2). To make such a showing, a “petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong,” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that “the issues presented were adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations omitted). The court finds Mr. Horton’s claims do not satisfy either standard.

A final judgment will be entered.

**DONE** and **ORDERED** this 7th day of April, 2022.

  
ANNA M. MANASCO  
UNITED STATES DISTRICT JUDGE